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C O N F I D E N T I A L PORT LOUIS 000044

SIPDIS

S/P FOR PHARRELL; L FOR JLANDSIDLE

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TAGS: [PREL](#) [PGOV](#) [KPIR](#) [MARR](#) [PHSA](#) [EWWT](#) [PBTS](#) [SO](#) [SE](#)

SUBJECT: SOMALI PIRATES AND PRISON PROBLEMS IN SEYCHELLES

REF: A. PORT LOUIS 0006

[1](#)B. PORT LOUIS 00043

Classified By: CDA BARRIE WALKLEY FOR REASONS 1.4 (b) AND (d)

[1](#)1. (U) SUMMARY: There was a riot at the prison in Seychelles where eleven Somalis accused of piracy are detained. The Somalis took no part in the riot and have, in fact, been model prisoners. Their case goes to trial March 15. They will be represented by a local prominent attorney. A plea bargain is possible. Currently, all eleven are pleading not guilty. END SUMMARY

[1](#)2. (C) In late January, there were reports that the eleven Somali pirates awaiting trial in a Seychelles prison were on a hunger strike. These reports proved false, apparently generated by Benediste Hoareau, who was at the time Superintendent of Prisons and was trying to save his job. Hoareau was fired (accused of allowing prisoners nights out in return for bribes) and on January 28 the prisons portfolio was added to the other responsibilities of Joel Morgan, Minister of Environment, Natural Resources and Transport -- and the government's point man on piracy issues.

[1](#)3. (C) Morgan issued instructions to have the entire prison comprehensively searched, resulting in a haul of weapons and drugs. The prisoners then rioted. Military police quelled the disturbances and currently maintain a presence at the prison. All is now quiet and under control. A UNODC representative has visited the prison since the riot and has voiced no objections to the policies now in place.

4.(U) Since their detention on December 6, the eleven Somali pirates have been model prisoners. During the riot, for example, they isolated themselves from the other prisoners, locked themselves in their cells and wanted no part of the disturbances.

[1](#)5. (U) Their case is currently scheduled to go to trial on March 15, unless the defense attorney (a local prominent lawyer) asks for a delay. The Seychelles Attorney General will personally prosecute the case. UNODC is providing 3 Somali interpreters for the trial. The charges are: terrorism, belonging to a terrorist group, piracy, aiding and abetting a terrorist act, and conspiracy to commit an act of piracy/terrorism.

[1](#)6. (U) Four of the pirates are approximately 15 years old (a social worker visits them regularly). They will be charged as adults because, although they are minors, they committed a crime with adults (Seychelles law thus allows them to be charged as adults).

[1](#)7. (C) At the trial, if they plead not guilty but are ultimately found guilty, the minimum sentence will be 30

years. If, however, they plead guilty, the sentence will be 7 years, plus whatever the judge may decide to add. If they agree to plea bargain on a single terrorism charge, the judge is willing to drop the piracy charge and sentence them to 7 years. The Attorney General has no objection to this deal, as he believes the case (which is based on English Common Law) will not set a precedent for future piracy cases in Seychelles (legislation is underway to amend the Seychelles Penal Code so that it specifically criminalizes piracy; that amendment will be the basis for any future piracy prosecutions. See Ref B). Currently, all eleven Somalis continue to plead not guilty.

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WALKLEY